

REMARKS

Claims 1-20 were pending in the application. Claims 1-20 have been rejected under 35 U.S.C. §103(a) as being deemed unpatentable in view of Deitz (U.S. Patent No. 5,578,158 and Jones (U.S. Patent No. 5,757,642). Of the Claims, Claims 1, 8 and 14 are independent. Claim 21 is newly added. Support for the newly added claim is in the Applicants' specification as originally filed. (See, for example, Page 26, lines 5-9 and Page 54, lines 1-11.) Claims have been amended to clarify the Applicants' invention. The application as amended and argued herein, is believed to overcome the rejections.

Regarding Rejections under 35 U.S.C. § 103(a)

Claims 1-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Deitz (U.S. Patent No. 5,578,158 in view of Jones (U.S. Patent No. 5,757,642).

An embodiment of the Applicants' invention is directed to a system that includes an active storage port and a passive storage port. The active storage port translates file system requests to local file system requests. The local file system requests include a file identifier associated with the contents of the file to uniquely identify the file stored at a remote storage center. The passive storage port switches to the active storage port during a failover condition. (See, for example, Page 49, lines 11-19.)

Turning to the cited references, Deitz discusses failover between controllers coupled to a RAID. (See Deitz, Fig. 1, 130 (RAID), 105a, 105b (controller).)

Cited reference Jones discusses redundant communication channels and sharing of secondary resources between clustered servers. (See Jones, col. 1, lines 8-13.)

To establish a *prima facie* case for obviousness under 35 U.S.C. § 103(a), (1) there must be some suggestion or motivation to combine reference teachings; (2) there must be a reasonable expectation of success; (3) the references when combined must teach or suggest all the claim limitations. For the reasons discussed below, it is respectfully submitted that the Office has not established a *prima facie* case under 35 U.S.C. § 103(a) for claims 1-20 and that therefore, claims 1-20 are allowable.

The references when combined do not teach or suggest all the claim limitations.

Deitz does not teach or suggest at least the Applicants' claimed "storage port for receiving file system operation requests on said file from said local computer, and for translating the file system operation requests to local file system requests including a file identifier associated with contents of the file to uniquely identify the file stored at the remote storage center" as claimed by the Applicants in claim 1. In contrast, Deitz merely discusses a RAID system that includes a plurality of controllers coupled to a RAID with each controller having an active port and a failover port. (*See, Fig. 2, 105a, 195a, 200a.*)

Furthermore, Deitz does not teach or suggest the Applicants' claimed "a remote storage center for storing a plurality of files in a local file system". Deitz's discussion of networked storage directly coupled to controllers does not teach or suggest "a remote storage center". In contrast, the disk drives (storage) are local and directly coupled to the controllers. (*See Deitz, Fig. 2, controller 105a, 105b, disk 135.*) Similarly, in Jones, the disk drives (storage) are also local and directly coupled to the controllers. (*See Jones, Fig. 3, disk 330, 334; disk controller 314, 324.*)

Therefore, separately or in combination, Deitz and Jones do not teach or suggest the Applicants' claimed invention. Even if combined, the present invention as now claimed does not result as argued above.

Claims 2-7, and 21 are dependent claims that depend directly or indirectly on claim 1, which has been shown to be non-obvious over the cited art. Independent claims 8 and 14 recite a like distinction and are thus non-obvious over the cited art. Claims 9-13 depend directly or indirectly on claim 8 and claims 15-20 depend directly or indirectly on claim 14 and are thus non-obvious over the cited references.

Accordingly, the present invention as now claimed is not believed to be made obvious from the cited references. Removal of the rejections under 35 U.S.C. § 103(a) and acceptance of claims 1-21 is respectfully requested.

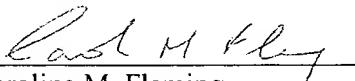
CONCLUSION

Applicants are herewith submitting an IDS. It is respectfully requested that the Examiner consider and make of record in the subject application the information cited in this IDS.

In view of the foregoing, it is submitted that all claims (claims 1-21) are in condition of allowance. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the above-referenced application.

Please charge any shortages and credit any overcharges to Deposit Account Number 02-2666.

Respectfully submitted,


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